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*Attorneys for Plaintiffs and Proposed Class Counsel*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

IN RE: YAHOO! INC. CUSTOMER DATA )  
SECURITY BREACH LITIGATION )

No. 16-md-02752-LHK

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION TO NOTICE CLASS<sup>1</sup>**

Date:

Time:

Courtroom: 8, 4th Floor

Judge: Hon. Lucy H. Koh

<sup>1</sup> The decision of a court to give notice under Rule 23(e)(1) was previously referred to as "preliminary approval." See 2018 Advisory Committee Note., Subdivision (c)(2). Plaintiffs now understand that such a motion should, under the amended rule, seek an order permitting notice to the Class, rather than "preliminary approval."

PLEASE TAKE NOTICE THAT Plaintiffs move the Court to grant Plaintiffs' Motion to Notice Class.

Plaintiffs bring this Motion pursuant to Federal Rule of Civil Procedure 23(e). Plaintiffs respectfully request that the Court preliminarily approve the parties' Amended Settlement Agreement and for entry of an Order that:

- Finds the Court will likely be able to approve the proposed settlement as fair, reasonable and adequate under Rule 23(e)(2), subject to further consideration at the Fairness Hearing. The Parties are authorized and directed to take all actions that may be required prior to final approval by this Court of the proposed settlement and compromises set forth in the Settlement Agreement
- Grants preliminary certification of the following proposed settlement class under Fed. R. Civ. P. 23(b)(2) and (b)(3):

All U.S. and Israel residents and small businesses with Yahoo accounts at any time during the period of January 1, 2012 through December 31, 2016, inclusive; provided, however, that the following are excluded from the Settlement Class: (i) Defendants, (ii) any entity in which Defendants have a controlling interest, (iii) Defendants' officers, directors, legal representatives, successors, subsidiaries, and assigns; (iv) any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff; and (v) any individual who timely and validly opts-out from the Settlement Class.

- Preliminarily approves the proposed settlement as fair, reasonable, and adequate;
- Directs notice to be disseminated to Settlement Class Members in the form and manner proposed by the parties as set forth in the Amended Settlement Agreement and Exhibits thereto;
- Sets deadlines for class notice to be sent and deadlines for exclusions;
- Appoints Heffler Claims Group to serve as the Settlement Administrator;

- Appoints as Settlement Class Representatives: John Bell, Michelle Bouras, Jana Brabcova, Reid Bracken, Paul Dugas, Hashmatullah Essar, Hilary Gamache, Mali Granot, Kimberly Heines, Andrew J. Mortensen, Brian Neff, Jared Pastor, Brendan Quinn, Deana Ridolfo, Matthew Ridolfo, and Yaniv Rivlin.
- Appoints as Class Counsel:
  - Lead Settlement Class Counsel: John Yanchunis of Morgan & Morgan Complex Litigation Group;
  - Executive Settlement Class Counsel: Ariana Tadler of Milberg Tadler Phillips Grossman LLP, Stuart Davidson of Robins Geller Rudman & Dowd LLP, Gayle Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield LLP, and Karen Hanson Riebel of Lockridge Grindal Nauen PLLP; and,
  - Additional Settlement Class Counsel: Daniel Robinson of Robinson Calcagnie, Inc.; and,
- Sets a hearing date and schedule for final approval of the settlement and consideration of Class Counsel's motion for award of fees, costs, expenses, and service awards.

Plaintiffs' Motion is based on this Notice and Motion; the concurrently filed Memorandum of Points and Authorities and all attachments and supporting exhibits thereto, the pleadings, records, and other papers filed in this action.

DATED: April 8, 2019

MORGAN & MORGAN  
COMPLEX LITIGATION GROUP  
John A. Yanchunis

s/ John A. Yanchunis  
John A. Yanchunis

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*Attorneys for Plaintiffs and Proposed Class  
Counsel*

CERTIFICATE OF SERVICE

I hereby certify that April 8, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 8, 2019.

s/ John A. Yanchunis  
John A. Yanchunis

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